

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 27, 2023

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

MIGUEL L.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:23-cv-03098-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 10, 12

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 12, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney David Burdett represents Defendant.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 12**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing and further develop
9 the record;
- 10 • Reevaluate Plaintiff's heart condition and the related medical
11 evidence;
- 12 • Reevaluate Plaintiff's residual functional capacity;
- 13 • If warranted by the expanded record, obtain supplemental vocational
14 expert evidence to clarify the effect of the assessed limitations on
15 Plaintiff's ability to perform other work in the national economy; and
16 • Issue a new decision.

17 *See* ECF No. 12 at 1-2.

18 3. Judgment shall be entered for **PLAINTIFF**.

19 4. Plaintiff's Motion for Summary Judgment, **ECF No. 10**, is **STRICKEN**
20 **AS MOOT**.

1 5. Upon proper presentation, this Court will consider Plaintiff's application
2 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3 The District Court Executive is directed to enter this Order, **enter**
4 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

5 DATED October 27, 2023.

6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES DISTRICT JUDGE
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